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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR		ATTORNEY DOCKET NO.
09/131,941	08/10/98	ISHII	H	B-3513-61666

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EXAMINER	
PSITOS, A	
ART UNIT	**PAPER NUMBER**
2752	5

DATE MAILED: 04/14/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No. 09/131,941	Applicant(s) Ishii Et Aal
	Examiner Psitos	Group Art Unit 2752

☒ Responsive to communication(s) filed on *Aug 10, 1998*.

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire *three* month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) *1-15* is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) *1-15* is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐approved ☐disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☒ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the

a) determining unit and function of claim 5

b) attribute change unit of claims 5, and 7

c) search unit of claims 5 and 7

d) limitations of claims 5,6,8 and 9

must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Claim Rejections - 35 U.S.C. § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

Claim Rejections - 35 U.S.C. § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-3 are rejected under 35 U.S.C. 102(e) as being anticipated by Heo et al.

Applicants' attentions is drawn to figs. 5 - 11 and their disclosure. The examiner considers the limitations of the above claims to be clearly depicted thereby and no further analysis is made.

5. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by the Ludeman article.

Applicants' attention is drawn to pg. 1546 and the description therein. The examiner interprets the ctrl blk 2 as the aggregate information, while the audio blks 3 are interpreted as the plurality of audio information.

6. The limitations of claim 2 are self evident.

7. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over the Ludeman article as applied to claim 1 above, and further in view of Heo et al.

The particular values given as attributes are well know as taught by Heo et al. It would have been obvious to one of ordinary skill in the art to modify the Ludeman article with the appropriate attribute information, since the information defined as "attributes" is considered nothing more than a selection between equivalent data. Selection between equivalent data is considered merely a selection of alternatives obvious to one of ordinary skill in the art - motivation being to update the system of Ludeman - i.e., bring it into the 21st century.

8. Claims 4-15 are rejected under 35 U.S.C. 102 (e) as anticipated by Heo et al , or alternatively under 35 U.S.C. 103(a) as being unpatentable over Heo et al considered with Yamamoto et al or Yoshio et al.

Heo et al is relied upon for the reasons stated above. In figs. 16 & 18 and their descriptions, Heo et al does disclose how the disc operates in a recording and playback mode. The examiner considers the reproducing apparatus to be inherently present in the Heo et al reference.

As part of the overall system controller's responsibility appropriate decoding of the selected tracks containing the audio information to be reproduced are inherently present. When the information is changed the controller instructs the appropriate servo subsystem to move the reproducing elements to the next location in the sequence of information to be reproduced.Accordingly, there is a delay capability present in order for the mechanics to catch up with the electronics. The attributes of each audio segment is checked in order for the audio information to be properly decoded, and inherently it if such are not identical, appropriate changes in the attribute settings commence for the next immediately following information.

Alternatively, if applicants' can convince the examiner that such elements/capabilities are not inherently present in Heo et al, then such capabilities are well know as taught by either Yamamoto et al or Yoshio et al - permit the selection of appropriately designated locations to reproduce the desired audio segments.

Yamamoto permits a variety of audio formats and as the attributes of such are read for reproducing when they do not agree - due to change thereof, see fig.14 and its description.

The examiner considers the ability in Yamamoto as checking the contents of the address header of the audio frame (AF) and the subsequent decoding as the ability to check on attributes

and if not identical to permit the setting of the attributes for the immediately next audio segment for subsequent replay to be present. Again, there must be a delay to prermit synchronization between the mechanics and electronics of the system.

Similar analysis of Yoshio et al is taken.

It would have been obvious to one of ordinary skill in the art to further modify Heo et al with the additional teachings from either Yamamoto et al or Yoshio et al to include the appropriate capability of selecting the designated location/track for the proper audio output to be decoded in order of playback in accordance with the change in attributes.

Applicants' attention is also drawn to the following documents:

a) JP 403185680 , JP 405242606, JP 4052584561 - all depicting systems for reproducing audio segments in accordance with instructions decoded/attributes decided by the appropriate controlling elements.

b) Takayama and DE 003914588 - audio/video systems having the ability to control the output in accordance with desired instructions of play.

c) Taira et al & Mishina - Moriyama et al audio/video reproducing system using attributes.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aristotelis M. Psitos whose telephone number is (703) 308-1598.

amp

April 12, 2000

ARISTOTELIS M. PSITOS
PRIMARY EXAMINER
AU 2752